

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTINA W. DONNELLY, JOHN
DONNELLY, JAMES G. WILLIAMSON AND
RICHARD W. DEARBORN, Individually
and On Behalf Of All Others Similarly
Situating,

Plaintiffs,

vs.

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, THOMAS
D. DAVIS, BRUCE C. HAYDEN, and GRANT
THORNTON LLP,

Defendants.

Case no. 1: 05-cv-334 (SLR)

**STIPULATION AND
[PROPOSED] ORDER
EXTENDING TIME FOR
DEFENDANT TO ANSWER
OR OTHERWISE RESPOND**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties
and/or their counsel for the respective parties, as follows:

1. LeClair Ryan, A Professional Corporation is authorized to accept on behalf of
defendant Bruce C. Hayden, and does hereby accept, service of the summons and complaint in
this action without prejudice and without waiver of Hayden's defenses except as to sufficiency of
service of process.

2. The time for Hayden to move, answer or otherwise respond to the complaint in
this action is hereby extended to and including forty-five (45) days after the later of:
(a) the Court's selection of a lead plaintiff pursuant to §21D(a)(3) of the Securities Exchange Act
of 1934, 15 U.S.C. §78a, *et seq.*, as amended by the Private Securities Litigation Reform Act of
1995 (the "PSLRA"), or (b) the date on which an amended complaint, if any, is served upon

counsel for Hayden.

Dated: July 13, 2005

**MILBERG WEISS BERSHAD
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--and--

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Plaintiffs' Counsel

SO ORDERED.

Dated: _____, 2005

Dated: July 14, 2005

RICHARDS, LAYTON & FINGER

By: Raymond J. DiCamillo
Raymond J. DiCamillo (#3188)
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--and--

**LECLAIR RYAN, A PROFESSIONAL
CORPORATION**

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**Counsel for Defendant
Bruce C. Hayden**

United States District Judge